

REMARKS

Claims 1-5, 7-8, 10-24, 27-31 and 36-37 remain pending following the entry of this Amendment. Claims 1-2, 4, 24, 27-29 have been amended herein. No claims or new matter have been added.

Objected to Specification

The specification was objected to as failing to provide an explicit definition in the specification for the term “computer-readable medium”. In response, Applicants have amended the specification herein to contain the language of originally filed claims 27-29. As such Applicants respectfully submit that the amendment to the specification does not constitute new matter. Applicants further submit that the original language of the claims “medium holding computer-executable instructions” is applicable to the claimed “computer-readable medium” and that such term was known in the art to refer to any of a number of well-known physical mediums capable of holding computer-executable instructions (e.g hard drives, disks, etc.) that did not require explicit recitation and further definition. Applicants further note that the discussion of Figure 1A discusses volatile and non-volatile memory. Applicants have also amended claim 27 to specify a “physical” computer-readable medium to clarify that Applicants are not attempting to claim a transmission medium herein. Accordingly, Applicants respectfully request the reconsideration of this objection.

35 U.S.C. § 112 Rejections

The Examiner rejected claims 1 and 27 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. More specifically, the Examiner indicated that Applicants’ inclusion of the allowable subject matter into the independent claims as a result of the telephone conference of October 16, 2007 introduced vagueness as to what was being claimed (see page 3, OA). In response, Applicants have amended the independent claims to address the Examiner’s concerns and believe the

Application to now be in order for allowance. **In the event, the Examiner still has concerns regarding the incorporation of the allowable subject matter into the independent claims, Applicants respectfully request the Examiner telephone Applicants' attorney to discuss the claims.**

35 U.S.C. § 103 Rejections

Applicants reassert their previous responses regarding the Rivette and Ryan references. With regard to the Davis reference, Applicants have amended the claims herein and believe those rejections to be moot as they are directed to the previous version of the now amended independent claims which now include the indicated allowable subject matter in re-written form. Accordingly, Applicants request the withdrawal of all of the 35 U.S.C. § 103 rejections.

Applicants note that the amendment of the claims herein should not be construed as an agreement with the Examiner's position as set forth in the pending Office Action but rather represents a desire to hasten the prosecution of this matter. Applicants reserve the right to pursue claims differing in scope in a future application.

CONCLUSION

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Dated: June 27, 2008

Respectfully submitted,

By _____/jsc/
John S. Curran
Registration No.: 50,445
LAHIVE & COCKFIELD, LLP
One Post Office Square
Boston, Massachusetts 02109-2127
(617) 227-7400
(617) 742-4214 (Fax)
Attorney/Agent For Applicant